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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,399	01/18/2002	Katsuhisa Satoh	CL-9622	2311
21254	7590	11/16/2004	EXAMINER CHEN, TIANJIE	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			ART UNIT 2652	PAPER NUMBER

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/031,399

Applicant(s)

SATOH, KATSUHISA

Examiner

Tianjie Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,8,9,18,19,21-37 is/are rejected.
- 7) ☒ Claim(s) 4-7,10-17 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## ***Final Rejection***

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999).

Claims 23 and 28 are rejected since the term "the disc" in claims 23 and 28 is used by the claim to "comprises a plurality of discs", while the accepted meaning is "a disc" as recited in claim 1. The term is indefinite because the specification does not clearly redefine the term. In the examination, "the disc" is interpreted as "a disc" as defined in claim 1.

Claim 31 is rejected since it recites "A disc player method." It is not clear that it means "a method of playing a disc," or "a method of assembling a disc player," or others.

2. Claims 34 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 34 recites "means for positioning in a lateral direction a plurality of discs." However, the Application does not disclose means for positioning in a lateral

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direction a plurality of discs; only discloses means for positioning a disc, which can be different sizes.

Claim 37 recites "the means for positioning and the means for clamping maintain a clearance between the means for clamping and the rotatable means for clamping the disc onto the turntable." However, the means for clamping and the rotatable means for clamping the disc onto the turntable both are portion of the means for clamping; therefore, as the means for positioning and means for clamping maintain a clearance, which should not be the clearance between the means for clamping and the rotatable means for clamping the disc onto the turntable .

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, 3, 8, 9, 18, 19, 21, 22, 27, 29, 30, 31, 32, 33, 35, 36, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakurai et al (US 6,345,030).

With regard to claim 1, Sakurai et al shows a disc player in Fig. 1 including: positioning unit 11 (Column 5, lines 25-37) for positioning a disc; clamper unit 10 (Column 5, lines 16-17) for performing a clamp operation on the disc positioned by the positioning unit; and a drive unit 9 that has a pickup (Column 5, lines 38-44) and a turntable Ta, and rotates the disc clamped on the turntable by the clamp unit to

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take out information from the disc by the pickup, wherein the positioning unit 11 and the clamper unit 10 are provided separately from each other and movable substantially vertically to the drive unit (Column 2, lines 64-67 and column 5, lines 36-37).

With regard to claim 2, Sakurai et al further shows a step plate 11 equipped to the positioning unit and a clamp plate 10A equipped to the clamper unit are engaged with a cam groove of a cam plate 6 movable in parallel to a drive plate equipped to the drive unit, and movable vertically to the drive plate by movement of the cam plate.

With regard to claim 3, Sakurai et al further shows that the step plate and the clamp plate are moved in synchronism with each other and vertically to the drive plate by the movement of the cam plate 6.

With regard to claims 8, 18 and 19, Sakurai et al further shows that claim 1, wherein the moving amounts of the positioning unit and the clamper unit are set to different values.

With regard to claim 9, Sakurai et al shows that the moving amount of the clamper unit is the length of groove 4c (Figs. 2 and 4), which is set to a value larger than that of the positioning unit (the length of groove 4d) (Figs. 2 and 4).

With regard to claims 21 and 22, Sakurai et al shows that the positioning unit positions the disc in a direction parallel to/or other than vertically the drive unit since the positioning unit positions the disc on the turntable having all X, Y, and Z coordinates fixed.

With regard to claim 27, Sakurai et al shows the positioning unit positions the disc in a direction parallel to the drive unit and aligns the disc for rotating by the drive unit.

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With regard to claims 29 and 30, Sakurai et al shows the moving amounts of the positioning unit and the clasper unit including vertical moving amounts with respect to the drive plate (Column 5, lines 48-51).

With regard to claim 31, the above described Sakurai et al's device including a disc playing method, including: positioning a disc in a lateral direction, performing a vertical clamping operation on the disc after the disc is laterally positioned for clamping the disc on a turntable; rotating the disc clamped on the turntable by the clamping to take out information from the disc by the pickup, wherein the positioning unit and the clasper unit are provided separately from each other and movable substantially vertically to the drive unit.

With regard to claim 32, the above described Sakurai et al's device includes a disc player, including: means for positioning a disc in a lateral direction for rotating by a drive unit and to take out information from the disc by a pickup of the drive unit; and means for performing a vertical clamping operation on the disc after the disc is laterally positioned for rotating the disc on a turntable of the drive unit, wherein the means for positioning and the means for clamping are provided separately from each other and movable substantially vertically to the drive unit.

With regard to claim 33, Sakurai et al further shows the means for positioning and the means for clamping are synchronously moved substantially vertically to the drive unit (Column 5, lines 48-51).

With regard to claim 35, in Sakurai et al's device, means for positioning and means for clamping always maintain a vibration-isolation stroke.

With regard to claim 36, Sakurai et al further shows the means for clamping includes a rotatable means for clamping the disc onto the turntable, and wherein the

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rotatable means for clamping is inherently freely rotatable from the means for clamping since the disc is to be rotating in recording and reproducing.

With regard to claim 37, Sakurai et al shows that the means for positioning and the means for clamping maintain a clearance, which is at least the thickness of the disc since the positioning means sits below the disc and the clamping means sits above the disc.

***Allowable Subject Matter***

2. Claims 4-7, 10, 11-17, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. Claims 23-26, 28, and 34 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

- With regard to claims 4, 5, 11, 12, 23, 28 and 34 as the closest reference, Sakurai (6,345,030) shows a disc player including: positioning unit, clamper unit, and a drive unit, and fit members which are provided to the step plate and the clamp plate and engaged with the cam grooves of the cam plate; **but fails to show** they comprise fit pawls that are integrally formed by bending and erecting.
- With regard to claims 6, 14, and 15; as the closest reference, Sakurai (6,345,030) shows a disc player including: positioning unit, clamper unit, and a drive unit, and fit members which are provided to the step plate and the clamp

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plate and engaged with the cam grooves of the cam plate; **but fails to show** the positioning unit is designed so as to position plural kinds of discs that are different in size.

- With regard to claims 7, 16, and 17; as the closest reference, Sakurai (6,345,030) shows a disc player including: positioning unit, clamper unit, and a drive unit, and fit members which are provided to the step plate and the clamp plate and engaged with the cam grooves of the cam plate; **but fails to show that** the positioning unit has a step plate, a G plate which is freely rotatably provided to the step plate and has, at one end thereof, a disc stopper on which a disc can be supported, and a sensor arm having, at one end thereof, an arm rod that can be fitted to the disc, the fitting positions of the other ends of the G plate and the sensor arm being changeable in accordance with plural discs different in diameter so that the discs can be positioned.
- With regard to claims 10 and 20; as the closest reference, Sakurai (6,345,030) shows a disc player including: positioning unit, clamper unit, and a drive unit, and fit members which are provided to the step plate and the clamp plate and engaged with the cam grooves of the cam plate; **but fails to show** that the moving amount of the positioning unit is set so that a vibration-isolation stroke can be kept (Claim 10 and 20), and the moving amount of the clamper unit is set so that the vibration-isolation stroke can be kept and the clearance between the clamper unit and the clamper ring for clamping the disc onto the turntable can be kept (Claim 10 and 20).



**Response to Arguments**

5. Applicant's arguments filed 09/03/2004 have been fully considered but they are not persuasive.

- In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the features recited above) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
- Applicant argues that examiner cannot rely on the drawing to show the proportion of the element, which refers to the lengths of the grooves 4c and 4d in Reference's Figs. 2.

Examiner's answer: in this recitation, Examiner only uses the relative positions of the grooves rather than the proportion of the drawing. It is clear in Figs. 2 and 4, 4c and 4d start at almost same height and 4c ends at a much higher height.

**Conclusion**

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

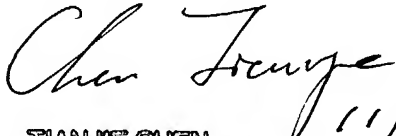
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is (703) 305-7499. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
TIANJIE CHEN  
PRIMARY EXAMINER  
11/09/2004